

MINUTES OF THE
STORM WATER APPEALS BOARD (SWAB)
MEETING OF June 27, 2007

1. **OPENING** – The Storm Water Appeals Board (SWAB) met in session on Wednesday, June 27, 2007 at 8:30 a.m. in the Auditorium of the Williamson County Administrative Complex. Chairman Mike Delviziis called the meeting to order. A quorum was present. Attendees were:

- 1.1 **Board Members**

- John Minton, Homebuilders Representative
 - Brad Hoot, Community Representative, Secretary
 - Dorie Bolze, Environmental Representative, Vice Chairman
 - John Kinnie, Agricultural Representative
 - Mike Delviziis, Engineering Representative, Chairman
 - Cheryl Wilson, County Commissioner
 - Denzel Carbine, Development Representative

- 1.2 **Staff**

- Floyd Heflin, County Engineering
 - Regina Wilder, Storm Water Quality Coordinator
 - Debbie Smith, Administrative Assistant
 - Kristi Earwood, Attorney for the SWAB

- 1.3 **Others Present**

- Steve Margolies, Owner and applicant of Item 2
 - Doug Hale, Attorney representing Item 3
 - Peter Bitzer, Owner of Sweeney Holler Waller for Item 3
 - Steve Clifton, Representative for Item 4
 - Jennifer Greer, Representative from Barge, Waggoner, Cannon for Item 5
 - Mike Korn, Representative for Beech Grove Farms and Hidden Valley HOA

2. **APPROVAL OF MINUTES** – The meeting minutes of March 28, 2007 were presented for review and approval. Mr. Delviziis opened the floor for discussion on the minutes. Brad Hoot asked if the minutes should reflect the request of a letter from Mr. McPherson engineer stating he had not increased the flood elevation with the fill materials. Mrs. Wilder indicated the letter sent to the applicant did request that and staff had received this information and would be passed out at the end of the meeting.

Cheryl Wilson moved for approval, seconded by Brad Hoot. The motion was unanimously approved.

3. **APPEAL NO. 06-27-07-01.**

- 3.1 **Introduction by Staff** – Mrs. Wilder read the staff report to board. (see file)

3.2 Appellant's Case – Steve Margolies, owner, stated to the board that he and his wife had purchased this property with the intent of adding onto the home and did not realize the County had regulations about buffer areas. He stated that the closest point of the addition would be 13 feet into the Waterway Natural Area.

3.3 Public Hearing- No comments were made.

3.4 Discussion – Dorie Bolze discussed the intent of the regulations were to protect a homeowner from the creek, because of future erosion problems that could occur and there was general discussion regarding liability associated with creeks changing location.

Mrs. Earwood indicated that the County could not be held liable because the owner of the property is asking for this waiver, therefore, felt that it would relieve the County from any future liability.

Brad Hoot asked Mr. Margolies which direction the water flowed during periods of wet weather. Mr. Margolies indicated that because the lot was so flat, most of the water would be absorbed before entering the creek. Mr. Hoot noted that if the request was approved, he would request the downspouts of the addition be placed closest to the existing home, to allow as much filtration as possible before the runoff enters the creek. Mr. Margolies indicated he did not have a problem with this request.

3.5 Board Action – Brad Hoot moved for approval with the condition that downspouts on the new addition be located at the closest point to the existing home and directed so that the water not go directly into the stream. Motion was seconded by John Kinnie, and unanimously approved.

4. APPEAL NO. 06-27-07-02.

4.1 Introduction by Staff – Mrs. Wilder read the staff report to board. (see file)

4.2 Appellant's Case – Doug Hale, Representing Attorney for Sweeney Holler Waller, presented pictures to the board showing the location of old 25' easement and the new 50' easement. (See File) Mr. Hale indicated to the board that this property was divided by family and when this occurred a 25' easement was granted to the back parcels. However, since that time, the family had troubles and sold this 78 +/- acre parcel. The new owners acquired a 50' easement from Ms. Mary Moore for the purpose of dividing and selling large acreage tracts. Mr. Hale indicated that the owners intend to place a fence along side the creek to keep the horses from disturbing the Waterway Natural Area once the driveway has been installed and the area has been reestablished with grasses.

Mr. Hale asked the Board if a variance would be required to install this fencing in the Waterway Natural Area.

Mr. Heflin indicated if it were agricultural fencing, it would not be required, however, since it was proposed as a four plank fence, this board would need to take action to allow this within the Waterway Natural Area.

4.3 Public Hearing – No comments were made.

4.4 Discussion – Dorie Bolze asked staff what the zoning of this property was and how dense could the property be subdivided. Mr. Heflin indicated that would be a question for the Planning Department. Mrs. Earwood added that the easement of 50' would limit this property to a maximum of 5 lots.

Denzel Carbine asked the applicant if it would be possible to acquire additional land to move the easement farther away from the creek. Mr. Hale stated it would not be possible since the family members were not on good terms.

Mrs. Bolze asked if the livestock would still be permitted to roam within the creek area once this driveway was installed. Mr. Hale indicated the applicant did not have control over the creek area, but would be able to restrict the livestock from buffer area with the approval of the fence.

Mr. Kinnie stated that the creek area was not to be cleaned out, but would allow the branches of the existing trees to be trimmed up to allow for vehicle to pass under them. Mr. Hale indicated the applicant had no intent of removing any trees within the WNA.

Mr. Delvizi indicated that this board was only looking at the waiver to allow an 18' driveway to be placed in the WNA, and may have additional requirements from the Planning Department as related to the subdivision of this property, and if Planning required any changes in the placement of this driveway, the applicant would be required to return to this board for additional approvals.

4.5 Board Action – Denzel Carbine made a motion to allow the placement of this 18' driveway within the Waterway Natural Area (WNA) with the following conditions: 1) Placement of the driveway would only be allowed on the south side of this easement, 2) create sheet flow across this property to protect the creek, 3) plant grasses along the creek bank and leave in its natural state (unmowed), 4) allow four board fence to be placed within the WNA on the north side of the easement to protect as much area as possible, 5) require a Land Disturbance Permit be issued prior to any grading for this driveway, and 6) Re-stabilize the creek bank. The motion was seconded by Brad Hoot.

Mr. Heflin asked if gravel would be acceptable for the driveway, because of the dust created that would wash into the creek. Mr. Carbine stated gravel would be accepted, however, pea gravel would be a better option.

Mrs. Bolze made a motion to amend to replace grasses with native vegetation and require a landscaping plan to be submitted. The amendment was seconded by Cheryl Wilson, and was unanimously approved.

The main motion, as amended, was unanimously approved.

5. APPEAL NO. 06-27-07-03.

5.1 Introduction by Staff – Mrs. Wilder read the staff report to board. (see file)

5.2 Appellant's Case – Mr. Steve Clifton of Clifton & King was present to represent this item. Mr. Clifton indicated to the board that this item had been previously approved; however, when a meeting was conducted on site with the TDEC, it was found that money could not be placed in the Wetland Mitigation Bank. Therefore, it is proposed to do on-site stream enhancement instead of the Wetland Mitigation. Mr. Clifton indicated that the on-site enhancement would be more substantial than the Wetland Mitigation.

5.3 Public Hearing – No Comments were made.

5.4 Board Discussion – Mrs. Wilder indicated that the applicant was proposing more improvements with the on-site enhancements than were required with the Wetland Mitigation.

Mr. Heflin asked Mr. Clifton if the enhancement area would be located within a protected easement, and if any driveways would be located within this area. Mr. Clifton indicated it was within a drainage easement, and any driveway locations for the 2 lots would be from other roads and would not be within these areas.

5.5 Board Action – Brad Hoot made a motion to approve this request. John Kinnie seconded and was unanimously approved.

6. APPEAL NO. 06-27-07-04.

6.1 Introduction by Staff – Mrs. Wilder read the staff report to board. (see file)

6.2 Appellant's Case Ms. Jennifer Greer, from Barge, Waggoner, Sumner & Cannon, indicated that due to the topography and natural challenges of this property, the road location was in the best location. She also stated that if it were to be moved out the WNA, it would cause problems with Lot 5, due to the closeness of the roadway to the septic areas, and could possibly mean that Lot 5 would be lost for building. Ms. Greer stated that the area in question was the overflow area of the pond and with permits and approvals from TDEC that area could be removed, but it was not the intent of the development to alter the pond in any way.

6.3 Public Hearing – Mr. Mike Korn addressed the board about his concerns with allowing this waiver. He provided pictures to the board of Cartwright Creek showing that the erosion from other developments had affected the stream and it was on the 303D List of Impaired Streams.

6.4 Board Discussion – Mr. Delviziis asked Staff if the roadway location was offset enough remove it from the WNA, would there be any site distance problems with the intersecting road. Mr. Heflin indicated the regulations require a site triangle and with the speed limits on this roadway it would require 150' of clear distance and that could be achieved with the relocation. Mr. Heflin also added that the applicant will be asking Planning Commission to additional roadway variance due to slopes, and whether the roadway was relocated or not, it would still require variances from the Planning Commission.

Brad Hoot asked if the roadway were allowed to remain within the WNA, would there be any improvements made to protect the remaining area? Ms. Greer indicated that there was a landscaping plan enclosed with the material submitted and stated it would be installed to buffer the area.

6.5 Board Action – Dorie Bolze moved to defer this item until the July meeting, requiring the applicant to return and provide plans showing alternatives for the roadway location with the paved area to be out of the Waterway Natural Area. Brad Hoot seconded the motion.

Dorie Bolze moved to amend the original motion to add that all information for the July meeting must be submitted to staff within 15 days from today to allow for review and distribution to the board. Cheryl Wilson seconded the amendment, and it was unanimously approved.

The main motion, as amended, was unanimously approved.

7.0 Other Discussion – Mrs. Wilder provided to the board a letter from Mr. Steve McPherson engineering firm regarding his fill in the floodplain area. It was stated to the board this was for their information, since it was part of the motion on the item at a previous meeting.

ADJOURNMENT - There being no further business, Brad Hoot moved for adjournment, seconded by Denzel Carbine. The motion was unanimously approved.

Chairman